

AN ORDINANCE REGULATING BODY ART ESTABLISHMENTS

**Ordinance No. 2003 - ____
Spencer County, Indiana**

PREAMBLE

WHEREAS, the safe and proper operation of a Body Art Establishment is in the best interest of the residents of Spencer County, Indiana; and

WHEREAS, an improperly operated or improperly cleaned body art business could have serious and detrimental effects upon the citizens of Spencer County, Indiana; and

WHEREAS, there exists a very real and distinct possibility of the transmission of serious infectious diseases from the tattooing, cosmetic tattooing, body piercing, branding or scarification of a person if that body artist is not sufficiently skilled and knowledgeable of the dangers associated with said activity, and

WHEREAS, the Spencer County Health Department is willing to inspect the operation of these body art establishment, and

WHEREAS, I.C. 35-42-2-7 (f) authorizes local governments to adopt ordinances regulating body art establishments as long as they are at least as restrictive as State Law and State Regulations;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Spencer County, Indiana, as follows:

AUTHORITY, APPLICABILITY

This Subchapter is adopted under the authority of Home Rule Law (I.C.36-1-3) and I.C. 35-42-2-7(f). This Chapter shall not apply to any person licensed under I.C. 25-22.5 as a physician or under I.C. 25-14 as a dentist or a person acting under the direction and control of such persons.

DEFINITIONS

- a. "Blood" means human blood.
- b. "Blood borne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, the following:
 - (1) HBV.
 - (2) HCV.
 - (3) HIV.

- c. "Body Art Establishment" means any permanent room or space where body art is performed or where the business of body art is conducted.
- d. "Body Art" means the practice of physical body adornment by permitted establishments and operators using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, **cutting** and scarification. This definition does not include practices that are considered medical **or dental** procedures by a state medical or **dental** board, such as implants under the skin, which shall not be performed in a body art establishment. Nor does this definition include, piercing of the outer perimeter or lobe of the ear with presterilized single-use stud-and-clasp ear-piercing systems.
- e. "Body Artist" means any person who performs body piercing, tattooing, cosmetic tattooing, branding and scarification on an individual.
- f. "Body Art Operator" means any person who controls, operates, conducts, manages, or owns any **body art establishment**.
- g. "Body Piercing" means the perforation of any human body part, *other than ear lobes*, for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.
- h. "Branding" involves **burning a design into the skin**.
- i. "Cleaned" means removal of all visible dust, soil, or any other foreign material.
- j. "Contaminated" means the presence or reasonably anticipated presence of blood or OPIM on an item or surface.
- k. "Cosmetic tattooing" is applied in a process known by a variety of names, including micropigmentation, micropigment implantation, permanent cosmetics, and dermal pigmentation. All of these names describe the process of implanting pigment into the dermal layer of the skin by. . .
- l. "Cutting" is a design cut into the skin with a surgical scalpel that usually produces a fine scar. Different forms of coloring can be rubbed into a fresh cutting, resulting in a **colored scar called ink rubbing**.
- m. "Decontaminated" means the use of physical or chemical means to remove, inactivate, or destroy Blood borne pathogens on a surface or item which does not require sterilization to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.
- n. "Department" means the Spencer County Health Department.
- o. "HBV" means the hepatitis B virus.
- p. "HCV" means the hepatitis C virus.
- q. "HIV" means the human immunodeficiency virus.
- r. "Health Officer" means the duly appointed Health Officer as set forth in IC 16-20-2-16. The County Health Officer or designee shall be authorized to enforce this Ordinance. The Health Officer may designate a representative in the health department to perform those duties and responsibilities of the Health Officer.

- s. “Infectious waste” means waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease. Infectious waste includes, but is not limited to, the following:
 - (1) Contaminated sharps or contaminated objects that could potentially become contaminated sharps.
 - (2) Infectious biological cultures, infectious associated biologicals, and infectious agent stock.
 - (3) Pathological waste.
 - (4) Blood and blood products in liquid and semiliquid form.
 - (5) Carcasses, body parts, blood, and body fluids in liquid and semiliquid form, and bedding of laboratory animals.
 - (6) Other waste that has been intermingled with infectious waste.
- t. “Ink Rubbing” different forms of coloring that can be rubbed into a fresh cutting, resulting in a colored scar called an ink rubbing.
- u. “Other potentially infectious materials” or OPIM means the following:
 - (1) Human body fluids as follows:
 - (A) Semen.
 - (B) Vaginal secretions.
 - (C) Cerebrospinal fluid.
 - (D) Synovial fluid.
 - (E) Pleural fluid.
 - (F) Pericardial fluid.
 - (G) Peritoneal fluid.
 - (H) Amniotic fluid.
 - (I) Saliva in dental procedures.
 - (J) Any body fluid that is visibly contaminated with blood.
 - (K) All body fluids where it is difficult or impossible to differentiate between body fluids.
 - (2) Any unfixed tissue or organ, other than intact skin from a human, living or dead.
 - (3) HIV-containing cell or tissue cultures, and HIV- or HBV- containing medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.
- v. “Parenteral” means piercing the mucous membranes of the skin barrier through such events as needle sticks, human bites, cuts, or abrasions.
- w. “Personal protective equipment” means specialized clothing or equipment worn for protection against contact with blood or OPIM.
- x. “Scarification” is a general name for various forms of body art that result in a scar on the skin.
- y. “Secure area,” means an area that is designed and maintained to prevent the entry of unauthorized persons.
- z. “Semiliquid blood, blood products” means blood, blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.
- aa. “Sterilize” means the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

- bb. “Store” means the containment of infectious waste in such a manner as not to constitute collection, treatment, transport, or disposal.
- cc. “Tattoo” means:
 - (1) any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or
 - (2) any design, letter, scroll, figure, or symbol done by scarring; upon or under the skin.
- dd. “Universal precautions” means an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other blood borne pathogens.

SECTION A: LICENSES REQUIRED

- a. Inspection and Approval by Health Department. No license for a body art establishment, or body artist, shall be issued unless, following reasonable investigation by the Department, the applicant has demonstrated compliance with the provisions of this Section and all other provisions of this Ordinance. All Licenses shall be conditioned upon continued compliance with the provisions of this Section, as well as all applicable provisions of this Ordinance. All licenses shall be posted in a prominent and conspicuous area where clients may readily observe it.
- b. License Application. Each application for a license shall include:
 - (1) Name; Date of Birth; Sex; Residence; Mailing Address; Phone Number; Place(s) of Employment; Training and/or Experience; Proof of Attendance at a Blood borne Pathogen Training Program (or equivalent), approved by the Department.
 - (2) Demonstration of knowledge of infectious disease control including waste disposal, washing techniques, sterilizing equipment operation and methods, and sanitation/disinfection/sterilization methods and techniques; facility safety and sanitation; knowledge of the above subjects may also be demonstrated through submission of documentation of attendance/completion of courses. (Examples of courses approved by the Department include Preventing Disease Transmission (American Red Cross) and Blood-borne Pathogen Training (US OSHA). Training/courses provided by professional body art organizations/associations or by equipment manufacturers may also be submitted for consideration.)
 - (3) Insurance. Before the Spencer County Health Department shall issue a license under this Ordinance, the licensee shall file with the Spencer County Health Department a certificate of insurance. The certificate of insurance shall certify that a policy of insurance has been issued to the operator and provides coverage to the operator, and all body artists at the establishment, for the period of the license, and is in full force and effect and that the premium has been paid thereon. The policy of insurance shall be in the sum of Five Hundred Thousand Dollars (\$500,000.00) conditioned for the payment of any

judgments received against the body art establishment operator or body artist for the death or injury of persons caused by the operation of a body art establishment or body artist. (Professional liability coverage)

- c. **Body Art Establishment License.** Each body art establishment shall obtain a license therefore from the Spencer County Health Department. The applicant shall provide the following information on the application for a license:
- (1) The name and address of the Establishment.
 - (2) Name and address of all owners if a sole proprietor or partnership.
 - (3) Names and addresses of all persons owning 10% or more interest in the Establishment if the proposed licensee is a business entity other than a sole proprietor or partnership.
 - (4) Name and address of the manager or person responsible for the operation of the Establishment.

An application fee must be submitted prior to issuance of a license. All licenses shall expire on December 31 of the year for which it was obtained. The license shall be posted at the body art establishment in the place where body art is performed and shall be clearly visible to the public. The license shall not be transferable. The business shall be subject to inspection during business hours of the licensee by the Health Department.

- d. **Body Artist License.** Every person desiring to perform any body art shall obtain a Body Artist license from the Health Department prior to performing any body art. All Licenses expire on December 31 of the year to which it applies. The license shall be posted in the **body art establishment** where the body art is performed and shall be clearly visible to the public.
- e. In the event the body art establishment is a sole proprietorship, the business license is obtained as provided above, and the owner performs body art at that location, the sole proprietor shall not be required to obtain a body artist license. The sole proprietor shall only be required to obtain a business license as provided above.
- f. **General Requirements.** No person shall do any of the following:
- (1) operate a business that offers body art services, unless the Spencer County Health Department has approved the business, under 410 IAC 1-5 and this Ordinance;
 - (2) perform a body art procedure without being licensed to do so under this ordinance.
 - (3) perform a body art procedure outside of a body art establishment with a valid license pursuant to this ordinance.
 - (4) perform a body art procedure in a manner that does not meet the safety and sanitation standards established under Rule 5, 410 IAC 1-5 and this Ordinance;
 - (5) perform a body art procedure in a manner that does not meet the standards for appropriate disinfection and sterilization of invasive equipment or parts of equipment used in performing the procedures established by this chapter, and under Rule 5, IAC 1-5.

SECTION B: INSPECTIONS

The Spencer County Health Department shall conduct inspections of every body art establishment located in Spencer County, Indiana. The Health Department shall conduct a minimum of one inspection per year. The Health Department may conduct additional inspections as they determine necessary or in response to complaints submitted. The results of the inspections shall be provided to each operator. Violations noted by the Health Department shall be corrected immediately. The Department shall conduct follow up inspections to determine compliance with this ordinance.

SECTION C: SANITARY OPERATIONS OF BODY ART ESTABLISHMENTS

All places, individuals and businesses that offer to affix any type of permanent body art to a person shall be regulated by this ordinance and shall maintain the premises in which body art is performed and equipment used in the body art process in a sanitary manner.

SECTION D: BODY ART ESTABLISHMENT RESPONSIBILITIES

- a. Each body art establishment and body art operator shall comply with the following training responsibilities:
 - (1) Ensure that the training described in the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29CFR 1910.1030) is provided to all body artists, anyone employed by the body art establishment, or anyone acting on behalf of the establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.
 - (2) Ensure that training on the handling of infectious waste is provided to all body artists, anyone employed by the body art establishment, or anyone acting on behalf of the establishment who has a reasonably anticipated risk for skin, eye mucous membrane, or parenteral contact with blood or OPIM.
 - (3) Ensure that a record of training described in subdivision (1) is maintained, as required under the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29CFR 1910.1030) of an individual's participation in the training that is provided. The record shall be made available to the Health Department for inspection upon request.
 - (4) Ensure that a record of training described in subdivision (2) is maintained.

- b. The body **art establishment** shall ensure that all body artists, anyone employed by the body art establishment, or anyone acting on behalf of the establishment who has a reasonably anticipated risk for skin, eye mucous membrane, or parenteral contact with blood or OPIM, are provided personal protective equipment and expendables needed to implement the precautions required by this rule and the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030).
- c. The body **art establishment** shall require body artists, anyone employed by the body art establishment, or anyone acting on behalf of the establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM to provide evidence of compliance with universal precautions education requirements contained in this ordinance.
- d. The body **art establishment** shall display written materials prepared or approved by the Health Department explaining universal precautions and patron's rights under this rule. These materials shall include information on how to report violations of universal precautions and shall include information regarding the department's duties to investigate.
- e. The body **art establishment** shall insure that no illegal drugs or alcohol are consumed or permitted in the body art establishment.
- f. The body **art establishment** shall insure that no body art shall be affixed to any intoxicated person.
- g. The body **art establishment** shall develop a written policy in compliance with the ordinance and the requirements of the Indiana Occupational Safety and Health Administration's blood borne pathogen standard (as found in 29 CFR 1920.1030) that:
 - (1) requires the use of universal precautions when performing body art and any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM;
 - (2) includes the safe handling of infectious waste; and
 - (3) provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions and / or handle infectious waste safely.
- h. The following information shall be kept on file on the premises of a body art establishment and available for inspection by the Department.
 - (1) full names; date of birth; gender, home address; home/work phone numbers; identification photos of all body **art operators, body artists and other employees;**
 - (2) **for each individual listed above a detailed job description;**
 - (3) establishment name; hours of operation; owner's name and address;
 - (4) a complete description of all procedures performed;

- (5) an inventory of all instruments and body jewelry, all sharps and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if available or applicable;
 - (6) a copy of these Regulations.
- i. Licenses of all body artists and the body art establishment shall be prominently displayed in the body art establishment and shall not be defaced or altered in any manner.
- j. The Operator of each body art establishment must be a minimum of eighteen (18) years of age.
- k. Smoking, eating, or drinking by anyone is prohibited in the area where body art is performed.
- l. Operators shall refuse service to any person who, in the opinion of the operator, is under the influence of alcohol or drugs.
- m. The body artist shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing body art procedures.
- n. In performing body art procedures, the body artist shall wear disposable medical gloves. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client.
- o. If, while performing a body art procedure the body artist's glove is pierced, torn or otherwise contaminated, the contaminated gloves shall be immediately discarded and the hands washed thoroughly before a fresh pair of gloves are applied. Any item or other instrument used for body art, which is contaminated during the procedure, shall be discarded and replaced immediately with new ones before the procedure resumes.
- p. Contaminated waste, as defined in this Ordinance, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag which is marked with the International biohazard symbol. It must then be disposed of by a waste hauler approved by the Department. Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods.
- q. Any skin or mucosa surface to receive a body art procedure shall be free of rash, infection or any other visible pathological condition.

- r. The skin of the **body artist** shall be free of rash, infection or any other visible pathological condition. No person or operator affected with boils, infected wounds, open sores, abrasions, exudative lesions, acute respiratory infection, nausea, vomiting, diarrhea, or jaundice shall work in any area of a body art establishment in any capacity in which there is a likelihood of contaminating body art equipment, supplies or working surfaces with pathogenic organisms.
- s. Each body artist and **body art** operator should be able to provide the following information, upon request of the Department: that each Body Artist and **body art** operator has either completed or been offered and declined, in writing, the Hepatitis B vaccination series; that antibody testing has revealed that the employee is immune to Hepatitis B; or that the vaccine is contraindicated for medical reasons.

SECTION E: BODY ARTIST MINIMUM TRAINING AND CERTIFICATION REQUIREMENTS

- a. All body **artists**, anyone employed by the body art establishment, or anyone acting on behalf of the establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM shall complete the training program that is required under the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030). The programs under this section shall be as follows:
 - (1) A blood borne pathogen training session provided by the body art operator meeting the requirements under the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030).
 - (2) Any blood borne pathogen continuing education program accredited by a health care licensing entity.
- b. All body artists, anyone employed by the body art establishment, or anyone acting on behalf of the establishment who has a reasonably anticipated risk for skin, eye mucous membrane, or parenteral contact with blood or OPIM must be trained in the **body art establishment's** policies on the handling or infectious waste.

SECTION F: MINIMUM STANDARDS FOR ALL ESTABLISHMENTS WHICH OFFER A BODY-PIERCING SERVICE TO THE PUBLIC

The following procedures, practices, and rules shall apply to any body art establishment offering Body-Piercing:

- (1) Piercings of minors will be permitted only with a legal guardian present, and must comply with Section I of this Ordinance. Both parties must provide

valid identification. Both parties must fully understand post piercing after-care suggestions.

- (2) Piercing an obviously intoxicated person is prohibited.
- (3) The use of properly configured, autoclave sterilization units on all reusable items **is** mandatory. Monthly efficacy testing, via a “spore test” is mandatory. “Dry” heat, Glass Bead or pressure cookers are not acceptable methods of sterilization.
- (4) All counter tops, displays or doorknobs must be non-porous and frequently disinfected throughout the day and as needed.
- (5) **Body artists** must attend and pass a certified CPR and Basic First Aid class.
- (6) **Body artists** and body art establishments who have employees must implement OSHA Blood Borne Pathogens Standard #1910.1030.
- (7) An understanding of and vigilant use of cross contamination prevention and infection control must be documented.
- (8) Thorough hand washing, utilizing sufficient amounts of soap and running water must be performed immediately prior and immediately after each individual service. Single-use, disposable paper products are to be used.
- (9) New, clean and fresh disposable medical gloves are to be worn for each new service. Gloves must be changed after each occurrence of contamination. Gloves should be stored in a very clean, closed container when not in use.
- (10) All needles must be individually bagged and autoclave sterilized, used on one client and one client only, and immediately disposed of in an OSHA-approved Sharps container. Removal of full (2/3’s), sealed, labeled containers, by a Medical Waste Disposal Service, which follows Indiana Infectious Waste Rule (410 IAC 1-3), must be documented.
- (11) After soaking in an enzymatic detergent such as Enzol (or equiv.) for no less than ten (10) minutes, used reusable tools must be thoroughly cleaned.
- (12) All reusable, stainless steel instruments must be autoclaved in appropriate, dated, sealed bags with indicator strips fully visible. Immediately after use, the tool is to be placed in a lidded, non-porous container to await detergent soak, cleaning, drying and bagging, prior to autoclaving. This container must be disinfected at least daily.
- (13) A hospital-level, hard surface disinfectant must be employed on all involved surfaces prior to every individual’s piercing session. All involved surfaces must be non-porous and in excellent condition.
- (14) All supplies that come into contact with the piercing station should be in “single portion” form and stored in very clean, closed containers.
- (15) All jewelry is to be made of high quality 14k Solid Gold, Surgical Grade Stainless Steel (316L series), Niobium, Titanium, Platinum or inert plastics.
- (16) Sterilized items, in unopened bags, must be left in the autoclave to dry. The door on the autoclave may be left slightly ajar to facilitate drying. Once dry, using clean and fresh gloves, bagged tools must be placed in a very clean, closed container.
- (17) Hand washing and sink requirements refer to Section K (a – f).
- (18) Privacy screens or devices must be made available to the patron’s request.

- (19) All restrooms available to the public must be kept clean and disinfected regularly and as needed.
- (20) Written post-piercing aftercare instructions must be provided.

SECTION G: PATRON RECORDS

All body artists and body art establishments shall maintain records of each patron for two (2) years. The record shall include the following:

- (1) Patron's name
- (2) Patron's address
- (3) Patron's age. Age must be verified by two items of identification, one of which must be a valid government issued identification.
- (4) Date body art was performed.
- (5) Design of the body art.
- (6) Location of the body art on the patron's body.
- (7) The name of the body artist who performed the work.
- (8) Parental consent must be maintained in writing when performed on any minor as permitted by law.

SECTION H: BODY ART ON MINORS

- a. No person shall perform body art on a person who is less than eighteen (18) years of age except as permitted by law.
- b. This subsection does not apply to any act of a health care professional (as defined in IC 16-27-2-1) licensed under IC 25 when the act is performed in the course of the health care professionals practice.
- c. A person may provide body art to a person who is less than eighteen (18) years of age if a parent or legal guardian of the person receiving the body art:
 - (1) is present at the time the body art is provided; and
 - (2) provides written permission for the person to receive the body art.

SECTION I: ILLNESS

Body artists who are experiencing symptoms of acute disease that include, but are not limited to:

- (1) diarrhea;
- (2) vomiting;

- (3) fever;
 - (4) rash;
 - (5) productive cough;
 - (6) jaundice; or
 - (7) draining (or open) skin infections, boils, impetigo, or scabies
- shall refrain from providing tattoos or body piercing.

SECTION J: HAND WASHING / SINK REQUIREMENTS

Each body art establishment shall comply with the following:

- a. Hand washing facilities must be provided with hot and cold running water and wrist, elbow, infrared or foot-operated fixtures and shall be readily accessible in the same room where body art is provided. This sink is never to be used for food or drink preparation.
- b. A sink, with hot and cold running water, must be provided for the preparation, cleaning and disinfection of tools and equipment. This sink must be located in a dedicated area separated from the body art room at least by a permanent partition. This sink may not be located in a bathroom or a room with a toilet.
- c. A hand washing facility must be readily accessible in the dedicated area provided for the preparation, cleaning and disinfection of tools and equipment. The hand washing facility must be provided with hot and cold running water and wrist, elbow, infrared or foot-operated fixtures. This sink is never to be used for food or drink preparation.
- d. Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment.
- e. Only disposable single use towels shall be used.
- f. A service/mop sink must be provided with hot and cold running water, and is to be separated from the above areas.

SECTION K: PERSONAL PROTECTIVE EQUIPMENT

Each body artist and body art establishment shall comply with the following:

- a. A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.

- b. Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose or mouth contamination can be reasonably anticipated.
- c. Disposable gloves shall be worn during the body art process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo or piercing process, when the gloves become torn or punctured, or whenever that ability to function as a barrier is compromised. Disposable gloves shall not be reused.
- d. Gloves shall be worn when decontaminating environmental surfaces and equipment.

SECTION L: BODY ART EQUIPMENT

Each body artist and body art establishment shall comply with the following:

- a. Only single use razors shall be used to shave the proposed site of the body art. Single-use razors shall be discarded in sharps containers immediately after use. Razors should not be bent or broken or otherwise manipulated prior to disposal.
- b. The stencil for transferring a design to the skin is to be single-use, only, and shall be properly disposed of after a single use.

SECTION M: NEEDLES

Each body artist and body art establishment shall comply with the following:

- a. Needles shall be individually packaged and sterilized prior to use.
- b. Needles shall be single-use only.
- c. Needles shall be discarded in a sharps container immediately after use.
- d. Contaminated needles shall not be bent, broken or otherwise manipulated by hand.

SECTION N: REUSABLE EQUIPMENT REQUIRING STERILIZATION

Each body artist and body art establishment shall comply with the following:

- a. Heating procedures capable of sterilization must be used when heat stable, non-disposable equipment is sterilized. Equipment used for the piercing of ears, which cannot tolerate heating procedures, may be sterilized using a technique that is approved by the Health Office.
- b. Equipment that is to be sterilized shall be put in single use packaging.
- c. Records must be maintained to document the following:
 - (1) Duration of sterilization technique.
 - (2) Determination of effective sterility, such as use of a biological indicator, is performed monthly.
 - (3) Equipment is maintained as recommended by the owner's manual and proof is available that the owner's manual recommendations are reviewed monthly.
- d. Reusable contaminated equipment shall not be stored or processed in a manner that requires any person to reach by hand into the containers where these sharp items have been placed.
- e. Reusable contaminated equipment shall be:
 - (1) placed in puncture-resistant containers;
 - (2) labeled with the biohazard symbol;
 - (3) leak proof on both sides and bottom; and
 - (4) stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization
- f. Contaminated reusable equipment shall be effectively cleaned prior to sterilization.
- g. Reusable tubes shall be effectively cleaned and sterilized before use.

SECTION O: DYES OR PIGMENTS

Each body artist and body art establishment shall comply with the following:

- a. All dyes or pigments used for body art shall be from professional suppliers specifically providing dyes or pigments for use on human skin.
- b. In preparing dyes or pigments to be used by body artists, only nontoxic sterile materials shall be used. Single use individual portions of dyes or pigments in clean containers shall be used for each patron.

- c. After the procedure, the remaining unused dye or pigment in single use or individual containers shall be discarded along with the container.
- d. Any object placed under the skin shall be sterile.

SECTION P: WORK ENVIRONMENT

Each body artist and body art establishment shall comply with the following:

- a. No body art shall be conducted in any room used as living quarters, in any room that opens directly in living or sleeping quarters, or in mobile or temporary units.
- b. Live animals shall be excluded from areas where body art is being conducted. This exclusion does not apply to the following:
 - (1) Patrol dogs accompanying security or police officers
 - (2) Guide dogs accompanying the following:
 - (A) Blind persons.
 - (B) Partially blind persons.
 - (C) Physically disabled persons.
 - (D) Guide dog trainers.
 - (E) Persons with impaired hearing.
- c. Eating, drinking, smoking, handling contact lenses, applying cosmetics or lip balm shall not be allowed in work areas where there is a likelihood of exposure to blood or OPIM.
- d. Food and drink shall not be kept in work areas where there is a reasonable anticipated risk of exposure to blood or OPIM.
- e. All equipment and environmental surfaces shall be cleaned and decontaminated after contact with blood or OPIM.
- f. Environmental surfaces and equipment not requiring sterilization that has been contaminated by blood shall be cleaned and decontaminated.
- g. All work surfaces shall be:
 - (1) nonabsorbent;
 - (2) easily cleanable;
 - (3) smooth, and
 - (4) free of:
 - (A) breaks;
 - (B) open seams;
 - (C) chips;

- (D) pits; and
- (E) similar imperfections.

- h. Disinfectant solutions shall be:
 - (1) a hospital grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or
 - (2) sodium hypochlorite, five-tenths percent (0.5%) concentration, by volume (common household bleach is ten percent (10%) concentration in water); the solution shall be dated and shall not be used if it is more than twenty-four (24) hours old.

SECTION Q: INFECTIOUS WASTE CONTAINMENT

Each body artist and body art establishment shall comply with the following:

- a. Contaminated disposable needles or instruments shall be:
 - (1) stored in leak-resistant puncture-resistant container, tightly sealed to prevent expulsion, labeled with the biohazard symbol and effectively treated in accordance with this rule prior to being stored in an unsecured area and sent for final disposal.
- b. Infectious wastes that are not contaminated sharps or objects that could potentially become contaminated sharps shall be placed in containers that meet the following requirements:
 - (1) Impervious to moisture.
 - (2) Sufficient strength and thickness to prevent expulsion.
 - (3) Secured to prevent leakage expulsion.
 - (4) Labeled with the biohazard symbol.
 - (5) Effectively treated in accordance with this rule prior to being placed in an unsecured area and sent for final disposal.
- c. If infectious waste is stored prior to final disposal, all persons subject to this rule shall store infectious waste in a secure area that:
 - (1) is locked or otherwise secured to eliminate access by or exposure to the general public;
 - (2) affords protection from adverse environmental conditions and vermin; and
 - (3) has a prominently displayed biohazard symbol.
- d. Infectious waste shall be stored in a manner that preserves the integrity of the container, and is not conducive to rapid microbial growth and putrefaction.
- e. Disinfect reusable containers for infectious waste each time that they are emptied unless the surfaces or the reusable containers have been protected from contamination by disposable lines, bags, or other devices that are removed with the infectious waste.

SECTION R: TREATMENT AND TRANSPORT OF INFECTIOUS WASTE

Each body artist and body art establishment shall comply with the following:

- a. All body artists shall ensure that infectious waste **from any body art procedure** is either treated on-site in accordance with this subchapter or transported off-site for treatment in accordance with this ordinance.
- b. A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific waste involved, and is carried out in a manner consistent with this ordinance. Effective treatment may include:
 - (1) incineration in an incinerator designed to accommodate infectious waste;
 - (2) steam sterilization;
 - (3) chemical disinfection under circumstances where safe handling of the waste is assured;
 - (4) thermal inactivation;
 - (5) irradiation; or
 - (6) discharges into a sanitary sewer or septic system that is properly installed and operation in accordance with state and local laws.
- c. All persons subject to this ordinance shall:
 - (1) transport infectious waste in a manner that reasonably protects waste haulers and the public from contracting a dangerous communicable disease; and
 - (2) effectively treat infectious waste in accordance with this ordinance before it is compacted.
- d. **Each body artist and body art establishment** shall ensure that infectious waste, **which they generate,** is transported off-site in compliance with 410 IAC 1-3.

SECTION S: POST BODY ART INFECTION PREVENTION

Each body artist and body art establishment shall comply with the following:

- a. Each **body artist and** body art establishment is to provide instruction to its clients in methods to prevent infection, such as the use of bactericidal creams and ointments and soap, and appropriate barrier dressings where indicated.
- b. Each client should be instructed to seek immediate medical attention should there be any evidence of infection.

SECTION T: EFFECT OF STATE REGULATIONS

If the ordinance contains rules or regulations that are or become less strict than Rules and Regulations of the State of Indiana, then such stricter rules of the State shall apply and supercede those of this ordinance. The body artist and the owners thereof shall comply with all rules and Regulations of the State of Indiana. In the event this ordinance contains provisions which are stricter than those of the State of Indiana, then the stricter provisions found herein shall apply.

SECTION U: FINES AND PENALTIES; REVOCATION OF LICENSE

- a. Failure to Obtain a Required License. No person shall do body art without obtaining a license therefore as required by this ordinance. There is hereby imposed a fine of Two Hundred Dollars (\$200) for violation of the provisions of this ordinance requiring a Body Art Establishment License. No person shall perform body art without obtaining and maintaining the licenses required by this ordinance. Any person who performs body art without a license as required by this ordinance, shall be subject to a fine of One Hundred Dollars (\$100) per violation.
- b. Failure to Comply with Other Provisions of this Ordinance. Failure to comply with any provision of this ordinance shall constitute a violation of this ordinance. The fine for violating any other provision of this ordinance, except failure to obtain or maintain a license which is provided in (A) above, shall be fifty dollars (\$50) per violation, unless violation causes harm to any person, in which event the fine shall be not less than one thousand dollars (\$1000) and not more than Two Thousand, Five Hundred Dollars (\$2,500) depending on the severity of the harm to the individual.
- c. Each event or each day a violation exists shall constitute a separate violation of this ordinance.
- d. Revocation of License. The Health Officer may suspend or revoke the license of any Body Art Establishment for any period of time for any violation of this Ordinance, state and or federal regulations concerning blood-borne pathogens, body art, or work place regulations (OSHA). The suspension and/or revocation shall be effective upon issuance by the Health Officer. The establishment may have the license reinstated upon compliance with this Ordinance, state, or federal regulations concerning blood-borne pathogens, body art, or work place regulations (OSHA) and to the satisfaction of the Health Officer. Appeals of orders of revocation shall be conducted pursuant to IC 4-21.5-3-1 et. seq. The Board of Health shall conduct administrative hearings concerning the suspension or revocation of any permit issued herein as set forth in IC 4-21.5-3 et. seq.

SECTION V: SEVERABILITY

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION W: REPEAL AND DATE OF EFFECT

This ordinance shall be in full force and effect immediately upon its adoption and its publication as provided by law.

Passed and adopted by the Commissioners of Spencer County, State of Indiana, on the _____ day of _____, 2002.

ATTEST:

Auditor, Spencer County